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PATENT LEGAL STAFF
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EXAMINER

HENDERSON, MARK T

ART UNIT

PAPER NUMBER

3722

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12

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/593,645	MANICO ET AL.	
Examiner		Art Unit	
Mark T Henderson		3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 March 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12, 15-23, 26-34 and 44-47 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-12, 15-23, 26-34 and 44-47 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s). _____.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

6) Other: _____.

Art Unit: 3722

DETAILED ACTION

Faxing of Responses to Office Actions

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing of responses to Office Actions directly into the Group at (703)872-9302 (Official) and (703)872-9303 (for After Finals). This practice may be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

1. Claims 10, 12, 15-19, 23, 26, 27, 29, 44, 45 and 47 have been amended for further examination. Claims 13, 14, 24, and 25 have been canceled.

Art Unit: 3722

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Howell (1,304,773).

Howell discloses in Fig. 1, 2 and 5, an image product comprising: a sheet (1) having a first side (Fig. 2) and a second side (Fig. 1), wherein the first side has an image layer (7 and 8) formed on the sheet; the sheet having fold lines (4) which form a central section (A) and a first side section (5) and a second side section (6); wherein the central section (A) is positioned between the first (5) and second (6) side sections; the side sections are folded so that the image layer (7 and 8) is exposed; wherein the side sections cover the central section (as seen in Fig. 5); wherein the side sections have ends (5a and 6a) which substantially abut each other.

Art Unit: 3722

3. Claims 20-22, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Viesturs et al (4,350,195).

Viesturs et al discloses in Fig. 1 and 2, a dual sided image product comprising: a support substrate (24a, 24b, 24c) having a first side and a back side, wherein the first side has an image layer (imaged document which is considered to be a layer) separate from the substrate (separate document is placed in sheet pocket); the support substrate having fold lines (F) which provide for a Z type fold; and wherein the image product comprises a free standing binder product comprising a cover (10 and 12) for holding a leaf (Fig. 8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-9, 29-33 and 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applebaum et al in view of Robertson et al (6,293,592).

Art Unit: 3722

Applebaum et al discloses in Fig. 4-6, an image product comprising: a first support substrate (34, and a first portion of attachment section (48a) of the hinge 48) having a separate image layer (ink layer which forms the picture); a second support substrate (26, and a second portion or attachment section (48b) of the hinge 48) having a separate image layer (ink layer which forms the picture); the second support substrate secured (by hinge) to the first support substrate to form a dual sided integral composite image product (30, as seen in Fig. 4 and 6, and in Col. 5, lines 25-28); said image product having a plurality hinge lines (G and G') about which the image product may be folded; wherein the substrates are made from a photographic media and paper; a cover (20, as seen in Fig. 4) for holding a hinge leaf (8), and an attaching member (which can be in the form of binding posts (rings), as stated in Col. 3, lines 50-55) to secure the leaf to the cover; and wherein the composite image product comprises a free standing product (Fig. 4). Applebaum further discloses that the print can further be made into numerous panels in which they are separated by a fold line (Col. 5, lines 55-65).

However, Applebaum et al does not disclose a fold line per se about which the integral composite may be folded.

Robertson et al discloses in Fig. 3, a first substrate (168 and a first portion of hinge film (164a)), and a second substrate (172 and a second portion of hinge film (164b)), wherein the hinge between the substrates is a hinge/fold line (Col. 3, lines 40-49).

Art Unit: 3722

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Applebaum et al's image product to include a hinge having a fold line as taught by Robertson et al for the purpose of enabling the folding of the two substrates.

In regards to **Claims 6 and 7**, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the substrates and image layer in any desirable material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applebaum et al in view of Robertson et al (6,293,592), and further in view of Douglas (5,815,964).

Applebaum et al as modified by Robertson et al discloses an image product comprising all the elements as claimed in Claims 1 and 2, and as set forth above. However, Applebaum et al and Robertson et al do not disclose wherein the image product allows for a Z-type fold.

Douglas discloses in Fig. 1 an 2, an image product (10) comprising a plurality of fold lines (14 and 16) for providing a Z-type fold in the image product.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Applebaum et al's and Robertson et al's image product to include a Z-type fold as taught by Douglas for the purpose of folding multiple panels in a compact position.

Art Unit: 3722

6. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howell.

Howell discloses an image product comprising all the elements as claimed in Claim 10, and as set forth above. However, Howell does not disclose: wherein the sheet is made from photographic paper and a thermal media, and includes photographic emulsion layer.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the sheets in any desirable material to display an image, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

7. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howell in view of Viesturs et al.

Howell discloses an image product comprising all the elements as claimed in Claim 10, and as set forth above. However, Howell does not disclose: wherein the image product comprises a cover for holding at least one leaf; and a free standing product.

Viesturs et al disclose an image product comprising a free standing binder product having a cover (10 and 12) for holding a leaf (Fig. 8).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Howell's image product to include a cover binder as taught by Viesturs et al for the purpose of protecting the image product from outer hazards.

Art Unit: 3722

8. Claims 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Viesturs et al.

Viesturs et al discloses an image product comprising all the elements as claimed in Claim 20, and as set forth above. However, Viesturs et al does not disclose: wherein the support substrate is made from a photographic media; and includes photographic emulsion layer.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the substrates in any desirable material to display an image, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

9. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applebaum et al in view of Robertson et al and further in view Hansen

Applebaum et al as modified by Robertson et al discloses an image product comprising all the elements as disclosed in Claims 29-33, and as set forth above. However, Applebaum et al does not disclose a scored line on the leaf with the opening allowing the leaf to be installed in a binding attachment.

Hansen discloses in Fig. 1, an image product leaf (wherein the image product consist of the final product of the support substrate (10) and the image layer document (not shown) placed on the support substrate) having scored lines (11) with the opening.

Art Unit: 3722

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Applebaum et al's and Robertson et al's image product leaf to include scored lines with the opening as taught by Hansen for the purpose of assisting with the removal of the leaf.

Response to Arguments

10. Applicant's arguments with respect to claims 1-12, 15-23, 26-34, and 44-47 have been considered but are moot in view of the new ground(s) of rejection.

Prior Art References

The prior art references listed in the attached PTO-892, but not used in a rejection of the claims, are cited for (their/its) structure. Bellanca discloses an image product that is foldable, wherein the ends abut.

Art Unit: 3722

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (703)305-0189. The examiner can be reached on Monday - Friday from 7:30 AM to 3:45 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, A. L. Wellington, can be reached on (703) 308-2159. The fax number for TC 3700 is (703)-872-9302. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 3700 receptionist whose telephone number is (703)308-1148.



MTH

June 2, 2003



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